

### **REMARKS**

The undersigned thanks the Examiner for his review and consideration of the present Application. In response to the non-final Office Action mailed September 20, 2010 the undersigned submits the present amendment and remarks ("Response"). Upon entry of the Response, claims 9, 10, 12-15, 18, 21, 24, and 32 are pending in the application. The foregoing amendment amends claims 9, 12, 13, 18, 21, and 24 and cancels claims 11 and 31. The amendment is supported by the specification and the original claims. No new matter has been added.

### **REJECTION OF CLAIMS 9-15, 21, 30 AND 32 UNDER 35 U.S.C. 101**

The Examiner rejected claims 9-15, 21, 30 and 32 under 35 U.S.C. 101 alleging that the claimed invention is directed to non-statutory subject matter. Although it is believed that the claims are directed to statutory subject matter, claims 9, 21 and 32 have been amended to facilitate the issuance of a notice of allowance. The foregoing amendment amends claims 9 and 21 to clarify that the claimed method is performed by an image decoding device, cancels claim 30, and amends claim 32 to clarify that the recording medium is a computer-readable recording medium. Claims 9-15, 21 and 32 are directed to statutory subject matter.

### **ALLOWABLE SUBJECT MATTER**

The Examiner indicated that claims 11-15 recite potentially allowable subject matter, but that the claims would not be allowable until the rejection under 35 U.S.C. 101 is addressed. The foregoing amendment amends claim 9 to include the subject matter of claim 11, as well as to clarify the subject matter of the claimed invention. Claim 9 is now in condition for allowance. Claims 10, 12-15, and 32 depend from claim 9 and are also in condition for allowance. Similarly, claim 21 has been amended to include the subject matter of claim 11 and to clarify the subject matter of the claimed invention. Claim 21 is also in condition for allowance, as is claim 32 which depends from claim 21. Claims 18 and 24 have been amended to include the subject matter of claim 11 and are in condition for allowance.

**REJECTION OF CLAIMS 9, 10, 18, 21, 24, 30 AND 32 UNDER 35 U.S.C. 102(b)**

The Examiner rejected claims 9, 10, 18, 21, 24, 30 and 32 under 35 U.S.C. 102(b) as being anticipated by Winger (US2004/0013199). This rejection is now moot given the amendment to claims 9, 21, 18 and 24 described above.

**CONCLUSION**

The amendments and the above remarks completely responded to the Office Action and place the application in condition for allowance, which is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

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